IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

LA.App..No. 719 of 2005(D)

LAR.285/2000 of PRL.SUB COURT, KOZHIKODE
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APPELLANT: RESPONDENTS.
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1. STATE OF KERALA,

2. THE EXECUTIVE ENGINEER,
N.H.DIVISION, KOZHIKODE.

BY GOVERNMENT PLEADER

RESPONDENTS: CLAIMANT.

RAJESH, THITHOTTATHIL HOUSE,
S/O.CHANDRAMATHI AMMA (LATE),
CHEVAYUR, KOZHIKODE 17.

BY ADV. SRI.JACOB ABRAHAM

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Kurian Joseph & T.R. Ramachandran Nair, JJ.

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C.M.Appl. 968/2005 & L.A.A..NO.719/2005

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Dated this the 7th day of June, 2007

JUDGMENT

Kurian Joseph, J.

There is a delay in filing the appeal against the judgment and decree in L.A.R.No.285/2000 on the file of the Sub Court, Kozhikkode. The acquisition is for the purpose of Calicut Bye Pass. On the merits, it is seen that the land value awarded is only at the rate of Rs.45,000/- per cent for garden land and Rs.35,000/- per cent for the wet land. In L.A.R.No.479/1997 the reference court awarded Rs.60,000/- per cent for the wet land. That judgment has become final in view of the judgment of this court in L.A.A. No.774/2006. True, the reference court has not placed reliance on the said judgment but that was for the only reason that L.A.A.No.774/2006 has not been disposed of. Since there is no serious dispute as to the similarity of the lands covered by L.A.R.No.479/1997 and the present L.A.R. (L.A.R.No.285/2000), the value fixed by the reference court is just and proper. Thus, it is not necessary to condone the delay. Therefore, the delay petition is dismissed.

Consequent on the dismissal of the delay petition, the appeal is also

dismissed.

(Kurian Joseph, Judge.)

(T.R. Ramachandran Nair, Judge.)

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